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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,982	09/17/2003	David Chong Lim	112055-0040P1	4640

24267 7590 12/16/2008  
CESARI AND MCKENNA, LLP  
88 BLACK FALCON AVENUE  
BOSTON, MA 02210

EXAMINER
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ANDUJAR, LEONARDO

ART UNIT	PAPER NUMBER
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2826

MAIL DATE	DELIVERY MODE
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12/16/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* DAVID LIM, HUN LEE, HOWARD ALLEN and  
STEPHEN MARTIN

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Application No. 10/664,982  
Technology Center 2800

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Mailed: December 15, 2008

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Before TOI JOHNSON *Review Paralegal*  
JOHNSON, *Review Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on December 10, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith

Application No. 10/664,982

being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

### APPEAL BRIEF, HEADINGS

A review of the file indicates that the Appeal Brief filed January 29, 2008 does not comply with 37 CFR § 41.37(c) because it does not contain all required heading items. Specifically, 37 CFR § 41.37 (c)(1) requires the following heading items in the following order:

- (i) *Real party in interest.*
- (ii) *Related appeals and interferences.*
- (iii) *Status of claims.*
- (iv) *Status of amendments.*
- (v) *Summary of claimed subject matter.*
- (vi) *Grounds of rejection to be reviewed on appeal.*
- (vii) *Argument.*
- (viii) *Claims appendix.*
- (ix) *Evidence appendix.*
- (x) *Related proceedings appendix.*

An in-depth review of the Appeal Brief indicates that the following sections are missing from the Appeal Brief filed January 29, 2008:

- 1) “Evidence Appendix”, and
- 2) “Related Proceedings Appendix”.

### CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) hold the Appeal Brief filed on January 29, 2008 defective;
- 2) notify Appellant to file a “paper” addressing the Appendix;
- 3) consider and acknowledge any “paper” filed by Appellant to correct the Brief’s Appendix; and
- 4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

CESARI AND MCKENNA, LLP  
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BOSTON, MA 02210